



MONTGOMERY McCracken

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August 27, 2018

Hon. Katherine B. Forrest
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 2230
New York, NY 10007

Re: *In re M/V MSC FLAMINIA* – Master File: SDNY No. 12 Civ. 8892 (KBF)

Dear Judge Forrest,

We are the attorneys for Conti 11. Container Schiffahrts-GMBH & Co. KG MSC “FLAMINIA” (“Conti”) and NSB Niederelbe Schiffahrtsgesellschaft MBH & Co. KG (“NSB”), who are the owner and operator of the M/V MSC FLAMINIA and the Plaintiffs in the above-referenced Limitation action. We write to submit “annotated facts” as discussed at the end of the day on August 22, 2018. See Trial Tr. at P. 1735 L:21 – P. 1736 L:25.

Specifically, we integrated certain testimony from the Phase 2 trial into our proposed facts for Phase 2. These additions are in red, so that they stand out from our original proposed facts, which were submitted as an exhibit to the JPTO for this Phase. (Docket #1539-5).

If there are any questions, please do not hesitate to contact us. Otherwise, we thank you in advance for your consideration.

Respectfully submitted,

MONTGOMERY MCCracken
WALKER & Rhoads, LLP

/s/ *Timothy Semenoro*

Eugene J. O’Connor
Timothy Semenoro

CC by ECF to all trial counsel

MONTGOMERY MCCracken WALKER & Rhoads LLP

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